

# **Exhibit B**

**TROY L. KESSLER**  
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## **CURRICULUM VITAE**

### **BAR ADMISSIONS**

New York (1997)  
U.S. Court of Appeals, Second Circuit  
U.S. District Court Northern District of New York  
U.S. District Court Southern District of New York  
U.S. District Court Eastern District of New York

### **EDUCATION**

**Loyola University Chicago School of Law**, Chicago, Illinois  
Juris Doctor (May 1996)

**University of Wisconsin**, Madison, Wisconsin  
B.A., Political Science and History (May 1993)

### **PROFESSIONAL HISTORY**

#### ***Law Firms***

**Kessler Matura P.C.**, Melville, New York  
*Founding Partner and Shareholder* (January 2020 – Present)  
Kessler Matura P.C., like Shulman Kessler, LLP, concentrates in the representation of employees in collective and class actions involving wage-and-hour disputes, as well as in discrimination and harassment cases and contract and severance negotiations.

**Shulman Kessler LLP**, Melville, New York  
*Founding Partner* (March 2010 – December 2020)

**Misiano Shulman Capetola & Kessler, LLP**, Melville, New York  
*Founding Partner* (January 2003 – March 2010)  
Represented employees in a variety of employment-related disputes including discrimination and harassment cases as well as collective and class actions involving wage-and-hour disputes.

**Capetola & Doddato, Esqs., LLP**, Williston Park, New York

*Associate* (September 1996 - December 2002)

Handled general civil litigation matters and represented individuals in a variety of employment-related disputes including discrimination and harassment cases.

### ***Teaching***

**Benjamin N. Cardozo School of Law**, New York, New York

*Adjunct Professor of Law* (August 2024 – Present)

Alternative Dispute Resolution in the Workplace

### **PROFESSIONAL ASSOCIATIONS AND MEMBERSHIPS**

- Center for Labor & Employment Law at the New York University School of Law, Advisory Board Member
- College of Labor and Employment Lawyers, Fellow
- Federal Bar Association, Eastern District of New York Chapter, President
- American Bar Association - Labor & Employment Section, Member, and co-chair of the Section's Alternative Dispute Resolution Committee
- National Employment Lawyers Association, Member
- National Employment Lawyers Association/New York ("NELA/NY"), Former Executive Board Member
- Suffolk County Bar Association's Labor & Employment Committee, past Co-Chair
- New York State Bar Association, Member
- Nassau County Bar Association, Mentor

### **PUBLISHED WORKS**

Joan C. Foley, Robin Boyle-Laisure, and Troy L. Kessler, *Merging the Bench, Bar, and Law Schools: How a Student Scholars Program Achieves Professional Identity Through Scholarly Writing, Mentorship, and Presentation*, 93 UMKC L. Rev. 1 (Fall 2024).

Chapter Editor (2022 – Present) and Contributor (2016 - 2022), American Bar Association's FLSA Midwinter Report, which serves as the annual supplement to the Ellen C. Kearns et al. eds., Fair Labor Standards Act (2d. ed. 2010).

Samuel Estreicher and Troy Kessler, *Employers Should Reconsider Plans to Discharge Employees for Refusing the COVID-19 Vaccine*, N.Y. Law Journal (May 26, 2022).

### **REPRESENTATIVE CASES**

Since 2007, I have participated in and supervised the prosecution of more than 300 wage-and-hour cases, including individual cases as well as collective and class action cases. Notable examples of cases in which my firm and I were or are currently involved, include:

- *Lucente v. EAD Ent., LLC*, No. 23 Civ. 3560, 2024 WL 2762101 (E.D.N.Y. May 29, 2024) (granting preliminary approval to class action settlement involving artists and food-service workers)
- *Norfleet v. RevCore Recovery Center Manhattan LLC*, No. 617754/2023, NYCEF No. 18 (Sup. Ct. Jan. 29, 2024) (granting approval of class action settlement involving counselors)
- *Reynolds v. Otsego SNF Oper. Assocs. LLC*, No. 620635/2023, NYSCEF No. 17 (Sup. Ct. Jan. 5, 2024) (granting approval of class action settlement involving manual workers employed by a group of nursing and rehabilitation homes)
- *Fishkin v. Gourmet Express LTD*, No. 610142/2022, NYCEF No. 28 (Sup. Ct. Mar. 22, 2023) (granting final approval of class action settlement involving catering employees)
- *Baten v. Michigan Logistics, Inc.*, No. 2:18 Civ. 10229 (C.D. Cal. Oct. 25, 2021) (certifying class of auto-parts delivery drivers classified as independent contractors), *final approval granted*, 2023 WL 2440244 (Mar. 8, 2023) (tentative order), *adopted* ECF No. 156 (Mar. 9, 2023) (approving class action settlement on behalf of auto-parts delivery drivers)
- *Manfredo v. VIP Auto Group of Long Island, Inc.*, No. 2:20 Civ. 3728, 2021 WL 4958907 (E.D.N.Y. Oct. 26, 2021) (granting collective certification of salespersons employed at several separately incorporated auto dealerships), *settlement approved*, ECF No. 46 (E.D.N.Y. Jan. 12, 2023) (granting final approval of class and collective action settlement involving more than 370 salespersons employed at multiple car auto dealerships)
- *Henne v. LI Wax FD, LLC, et al.*, No. 200516/2022, NYSCEF No. 20 (Sup. Ct. Oct. 18, 2022) (approving class action settlement on behalf of waxing and tanning employees)
- *Ludwig v. General Dynamics Information Technology, Inc.*, No. 19-CI-1073 (Ky. Cir. Ct. May 19, 2022) (granting final approval of class action settlement on behalf of call center workers)
- *Cucuzza v. National Debt Relief, LLC*, No. 601631/2021, NYSCEF No. 31 (Sup. Ct. Apr. 20, 2022) (granting final approval of class action settlement involving salespersons)
- *Bonefort v. Sticker Mule LLC*, No. 20 Civ. 1222, ECF No. 33 (N.D.N.Y. Feb. 24, 2022) (granting final approval of class action settlement on behalf of sticker production workers)

- *Lawson v. Realization Center, Inc.*, No. 613219/2021, NYSCEF No. 24 (Sup. Ct. Jan. 27, 2022) (granting plaintiff's motion for approval of class action settlement)
- *Tabacchino v. Laboratory Corp. of Am. Holdings*, No. 613075/2021, NYSCEF No. 39 (Sup. Ct. Dec. 16, 2021) (granting approval of class action settlement on behalf of couriers)
- *Guy v. DMG Installations, Inc.*, No. 4:20 Civ. 331 (S.D. Iowa Oct. 22, 2021) (granting approval of collective action settlement involving cable installers classified as independent contractors)
- *Lopez v. New York Community Bancorp, Inc.*, No. 2:20 Civ. 2741, ECF No. 54 (E.D.N.Y. Oct. 7, 2021) (approving FLSA collective action settlement on behalf of retail bank employees in New York State)
- *Petersen v. Emblemhealth, Inc.*, No. 20 Civ. 2568, ECF 62 (E.D.N.Y. Sept. 13, 2021) (approving collective action settlement on behalf of insurance sales representatives)
- *Dawson v. Sterling Bancorp, Inc.*, No. 623157/2019, NYSCEF No. 38 (Sup. Ct. April 28, 2021) (final approval of class action settlement involving assistant branch managers of bank)
- *Edwards v. Servicemaster Co., LLC*, No. 20 Civ. 6124, 2021 WL 1558341 (S.D.N.Y. Apr. 21, 2021) (approving multi-plaintiff FLSA settlement)
- *Vieten v. Christmas Tree Shops, Inc.*, No. UNN-L-601-21 (Sup. Ct. N.J. Apr. 6, 2021) (nationwide collective action settlement approved)
- *Pierre v. Kaufman Enters., LLC*, No. 2019/604065, NYSCEF No. 30 (Sup. Ct. Dec. 7, 2020) (final approval of class action settlement involving fast-food-chain assistant store managers)
- *Rotthoff v. New York State Catholic Health Plan, Inc.*, No. 19 Civ. 4027, 2020 WL 5763862 (E.D.N.Y. Sept. 28, 2020) (denying motion to dismiss class and collective action claims of care management employees), 2021 WL 1310220 (E.D.N.Y. April 8, 2021) (approving multi-plaintiff FLSA settlement)
- *Meo v. Lane Bryant, Inc.*, No. 18 Civ. 6360, 2019 WL 5157024 (E.D.N.Y. Sept. 31, 2019) (conditionally certifying collective of retail assistant store managers), *settlement approved by*, 2020 WL 4047897 (E.D.N.Y. July 17, 2020) (49-state collective action settlement approved)
- *Vecchione v. Consumers Warehouse Center, Inc.*, No. 606019/2017, NYSCEF No. 60 (Sup. Ct. Jan. 15, 2020) (class action settlement involving over 100 salespersons approved)
- *Davis v. Buy Buy Baby, Inc.*, No. UNN-L-3630-19 (Sup. Ct. N.J. Feb. 18, 2020) (nationwide collective action settlement approved)

- *Flanagan v. Bank of Am. Corp.*, No. 613647/2018, 2019 WL 8135315 (Sup. Ct. Nov. 19, 2019) (nationwide class and collective action settlement approved)
- *Alfano v. Zocdoc, Inc.*, No. 18 Civ. 2558, 2019 WL 4803312 (S.D.N.Y. Oct. 1, 2019) (approving collective action settlement on behalf of more than 150 inside sales representatives)
- *Freeman v. General Dynamics Information Technology, Inc.*, 18 Civ. 855, 2019 WL 4803277 (Md. Fla. Sept. 19, 2019), *adopted by*, 2019 WL 5168632 (M.D. Fla. Oct. 15, 2019) (approval of 182-plaintiff settlement on behalf of customer service representatives)
- *Przytula v. Bed Bath & Beyond Inc.*, No. 17 Civ. 5124 (N.D. Ill. Jan. 29, 2019) (approving nationwide collective action settlement on behalf of assistant store managers)
- *Williams v. TSU Glob. Servs. Inc.*, No. 18 Civ. 72, 2018 WL 6075668 (E.D.N.Y. Nov. 20, 2018) (recommending the conditional certification of a collective of drivers), *adopted by*, 2019 WL 1056273 (E.D.N.Y. Mar. 1, 2019)
- *Weston v. TechSol, LLC*, No. 17 Civ. 0141, 2018 WL 4693527 (E.D.N.Y. Sept. 26, 2018) (approving collective action settlement on behalf of cable installers)
- *Capilupi v. People's United Financial, Inc.*, No. 15 Civ. 5247, 2018 WL 4693588 (E.D.N.Y. Sept. 27, 2018) (class action settlement approved on behalf of over 200 assistant bank managers)
- *Oakley v. Servisair*, No. 13 Civ. 4191 (E.D.N.Y. May 25, 2017) (conditionally certifying nationwide collective of fuelers employed at airports throughout the United States), *settlement approved by* (E.D.N.Y. Aug. 5, 2018) (approving collective action settlement)
- *Crosby v. Lasership, Inc.*, No. 15 Civ. 8694 (S.D.N.Y. June 30, 2017) (class action settlement approved on behalf of over 900 package deliverers)
- *Brackley v. Red Robin Gourmet Burgers, Inc.*, No. 16 Civ. 288, 2017 WL 838227, (E.D.N.Y. Mar. 2, 2017) (granting preliminary approval of settlement and class certification for settlement purposes), *settlement approved by* (E.D.N.Y. June 6, 2017) (class action settlement approved on behalf of over 2,000 servers employed at the defendants' New York restaurants)
- *Cruz v. Burger Brothers Rest. Group, Inc.*, No. 14 Civ. 3186 (E.D.N.Y. Mar. 28, 2017) (class action settlement approved on behalf over 275 assistant store managers employed at over 45 fast food restaurants in New York)
- *Robinson v. Big City Yonkers, Inc.*, No. 600159/2016, 2017 WL 449572, 2017 N.Y. Slip Op. 30177(U) (Sup. Ct. Jan. 17, 2017) (class action certified on behalf of approximately 1,700 delivery drivers), *settlement approved*, NYSCEF No. 292 (Sup. Ct. Feb. 13, 2018)

- *Rodriguez v. Joseph Eletto Transfer, Inc.*, No. 5431/2016, 2016 NY Slip Op 32592(U), 2016 WL 7365683 (Sup. Ct. Dec. 15, 2016) (class action settlement approved on behalf of approximately 80 delivery drivers)
- *Davis v. IMG Worldwide, LLC*, No. 15 Civ. 2157 (S.D.N.Y. July 27, 2016) (class action settlement preliminarily approved on behalf of approximately 85 Fashion Week workers)
- *Bijoux v. Amerigroup N.Y., LLC*, No. 14 Civ. 3891, 2015 WL 5444944 (E.D.N.Y. Sept. 15, 2015) (conditionally certifying collective), *settlement approved by*, 2016 WL 2839797 (E.D.N.Y. May 12, 2016) (class action settlement approved on behalf of approximately 250 marketing representatives)
- *Klein v. Weatherproofing Tech., Inc.*, No. 15 Civ. 4443 (E.D.N.Y. Jan. 29, 2016) (conditionally certifying collective of over 200 roofing technicians employed throughout New York State), *settlement approved by*, (E.D.N.Y. Feb. 27, 2018) (approving settlement for the opt-in plaintiffs)
- *Puglisi v. TD Bank, N.A.*, 998 F. Supp. 2d 95 (E.D.N.Y. 2014) (conditional certification granted), *settlement approved by*, 2015 WL 4608655 (E.D.N.Y. July 30, 2015) (class action settlement approved on behalf of approximately 2,500 assistant branch managers)
- *Sukhnandan v. Royal Health Care of Long Island*, No. 12 Civ. 4216, 2014 WL 3778173 (S.D.N.Y. July 31, 2014) (matter on behalf of more than 400 marketing representatives approved as a class and collective action settlement)
- *Morris v. Affinity Health Plan*, 859 F. Supp. 2d 611 (S.D.N.Y. 2012) (matter on behalf of approximately 1,500 marketing representatives certified as a class action and settlement approved)
- *Salomon v. Adderley Indus.*, 847 F. Supp. 2d 561 (S.D.N.Y. 2012) (matter on behalf of approximately 400 cable technicians conditionally certified as a collective action)
- *Garcia v. Pancho Villa's of Huntington Village*, 678 F. Supp. 2d 89 (E.D.N.Y. 2010), *class certified by*, 281 F.R.D. 100 (E.D.N.Y. 2011), *settlement approved by*, 2012 WL 5305694 (E.D.N.Y. Oct. 4, 2012) (matter on behalf of kitchen and wait-staff employees of Mexican restaurants conditionally certified as a collective action, then certified as a collective and class action and settlement approved)
- *Avila v. Northport Car Wash*, 774 F. Supp. 2d 450 (E.D.N.Y. 2011) (matter on behalf of car wash laborers conditionally certified as a collective action)
- *Moore v. Eagle Sanitation*, 276 F.R.D. 54 (E.D.N.Y. 2011) (matter on behalf of sanitation truck drivers conditionally certified as a collective action)
- *Cruz v. Lyn-Rog*, 754 F. Supp. 2d 521 (E.D.N.Y. 2010) (matter on behalf of car wash laborers conditionally certified as a collective action)



- *Pineda v. Jim-Mar Consultants*, 741 F. Supp. 2d 398 (E.D.N.Y. 2010) (matter on behalf of laborers in a granite and marble yard conditionally certified as a collective action), *modified*, 741 F. Supp. 2d 403
- *Reyes v. Ted McCarthy Construction Design & Maintenance*, No. 10 Civ. 2378, 2010 WL 5508685 (E.D.N.Y. Dec. 8, 2010) (matter on behalf of landscaping and masonry laborers conditionally certified as a collective action)
- *Cano v. Four M. Food*, No. 08 Civ. 3005, 2009 WL 5710143 (E.D.N.Y. Feb. 3, 2009) (matter on behalf of grocery store workers conditionally certified as a collective action)

#### **SPEAKING ENGAGEMENTS (2016 – Present)**

- October 17, 2024 – Panelist, “Developments in NLRB Caselaw and Remedies, and Implications for Employment Law Practitioners,” ABA Section of Labor and Employment Law Webinar.
- May 23, 2024 – Panelist, “Arbitration Provider Policies and Procedures – Enhancing Employee Friendly Arbitration Procedures,” Seventy-Sixth Annual NYU Conference on Labor.
- September 18, 2023 – Panelist, “Remedies in Employment Law,” Twenty-Fifth Annual NYU/Federal Judicial Conference Employment Law Workshop for Federal Judges.
- May 24, 2023 – Panelist, “Addressing Hiring Discrimination Against Older and Disabled Workers, and Formerly Incarcerated Individuals,” Seventy-Fifth Annual NYU Conference on Labor.
- July 29, 2022 – Faculty, “Employment Law in the Post-Pandemic Era,” Institute of Judicial Administration’s Sixty-Third Annual New Appellate Judges Seminar, NYU School of Law.
- June 9, 2022 – Panelist, “Worker Protections in the Age of the Pandemic: Safety, Conduct, & Discrimination Issues,” Seventy-Fourth Annual NYU Conference on Labor.
- June 9, 2022 – Panelist, “Arbitrating Worker Classification Disputes in the Gig Economy,” American Arbitration Association, New York.
- April 29, 2021 – Panelist, “Remedies in Employment Law,” Twenty-Fourth Annual NYU/Federal Judicial Conference Employment Law Workshop for Federal Judges.
- November 12, 2020 – Panelist at the American Bar Association’s Labor and Employment Conference, on the topic of the multi-jurisdictional practice of law.
- August 12, 2020 – Panelist at the New York County Lawyers Association, Employment and Wage & Hour Mediation Training Program, on the topic of classifying employees.



- March 11, 2020 – Panelist on remedies in employment litigation, at the Twenty-Third Annual NYU Employment Law Workshop for Federal Judges at New York University School of Law.
- November 8, 2019 – Panelist at the American Bar Association’s Labor and Employment Conference in New Orleans, Louisiana, on the topic of best practices for class discovery in wage and hour litigation.
- September 16, 2019 – Instructor for trial practice all-day CLE event for counsel in the U.S. Department of Labor’s New York Regional Solicitor’s Office.
- March 22, 2019 – Panelist on remedies in employment litigation, at the Twenty-Second Annual NYU Employment Law Workshop for Federal Judges at New York University School of Law.
- February 16, 2019 – Panelist for “Current state of wage and hour arbitrations in the wake of the U.S. Supreme Court’s decision in *Epic Systems Corp. v. Lewis*,” at the American Bar Association’s Labor and Employment Law Committee midwinter meeting.
- November 8, 2018 – Panelist at the American Bar Association’s Labor and Employment Conference in San Francisco, California, on the topic of best practices for issuing class notices.
- June 8, 2018 – Presenter at the Seventy-First Annual NYU Conference on Labor, on the topic of best practices for ethical witness interactions.
- April 18, 2018 – Presenter for the third consecutive year, at the Federal Bar Association, Eastern District of New York Chapter’s “Fair Labor Standards Act Update,” on the topic of settlement issues in wage-and-hour litigation in the wake of the Second Circuit’s decision in *Cheeks v. Freeport Pancake House*.
- March 21, 2018 – Presenter at the Twenty-First Annual NYU Employment Law Workshop for Federal Judges, held at New York University School of Law. The Workshop is organized in conjunction with the Federal Judicial Center. My panel addressed remedies in employment litigation, including an in-depth discussion of the Restatement of the Law, Employment Law (3d).
- October 11, 2017 – Trainer at “Mediation Advocacy Training” which was conducted in conjunction with the Eastern District of New York, the Federal Bar Association and Cornell University’s ILR Labor and Employment Program. As part of the training program, I provided the case law update.
- September 28, 2017 – Panelist at the United States Department of Labor’s in-house training. I presented on the “Strategies for Asserting Individual Liability for FLSA Violations.”

- March 8, 2017 – Panelist at the Twentieth Annual NYU Employment Law Workshop for Federal Judges, held at New York University School of Law. The Workshop is organized in conjunction with the Federal Judicial Center. My panel addressed employment arbitrations.
- November 10, 2016 – Presenter at the American Bar Association’s Labor and Employment Conference in Chicago, Illinois, on the topic of pursuing and negotiating class action settlements.
- September 28, 2016 – Trainer at “FLSA Mediation Training” which was conducted in conjunction with the Eastern District of New York, the Federal Bar Association. As part of the all-day training session, I presented on the topic of representing workers covered by the Hospitality Wage Order, and Calculating Damages in Wage and Hour Litigation.
- June 23, 2016 – Presenter at the NELA conference in Los Angeles, California, on the topic of issue spotting wage-and-hour violations. As part of the presentation, I discussed wage-and-hour issues affecting the hospitality industry.
- June 15, 2016 – Trainer at “FLSA Mediation Training” which was conducted in conjunction with the Eastern District of New York, the Federal Bar Association and Cornell University’s ILR Labor and Employment Program. As part of the all-day training session, I presented on the topic of representing workers covered by the Hospitality Wage Order, and on the topic of Top 10 FLSA Takeaways.